IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 21974 of 2004

Between:

Smt. Lakshminarasamma, W/o. Late Venkatramulu, Sweeper,
O/o. the Welfare Administrator, Labour Welfare Organisation,
Kalichedu, Nellore District.

..... PETITIONER

AND

1 The Government of India, Ministry of Labour, Rep by its Director General (Labour Welfare), New Delhi - 11.
2 The Welfare Commissioner, Labour Welfare Organisation, Kendriya Sadan, Sultan Bazar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Certiorari declaring the action of the 2nd respondent in issuing the Order No. 2/24/A1/2004, dt. 1-07-2004 transferring and posting the petitioner to Beedi Workers Welfare fund Dispensary, Mukkudal as confirmed by the Central Administrative Tribunal vide its order in O.A.NO. 760/2004, dt. 1-10-2004 as arbitrary, illegal and violative of principles of natural justice and consequently set aside the same and direct the respondents to transfer and post the petitioner to a nearest place preferably at Siddipet, Medak District where there is a post of Sweeper existing and pass

Counsel for the Petitioner: MR.S.SHARAT KUMAR

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following:

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by the Central Administrative Tribunal (for short Tribunal) in O.A.No.760 of 2004, dated 1.10.2004.

2. The petitioner, who was appointed on compassionate appointment scheme, has now been transferred to Beedi Workers Welfare Fund Dispensary, Mukkudal, Tamil Nadu State. The Tribunal, while refusing to interfere with the orders of transfer, disposed of the above OA with the following directions:

> "In view of the above facts and circumstances, we do not find any infirmity in the action taken on the part of the respondents or there is any violation of any statutory rule and in view of the fact that the respondents have stated in their counter reply that as and when vacancy arises the applicant could be considered for her transfer, we do not find any reason to interfere with the transfer order. However, we find that the applicant deserves sympathetic consideration. The respondents shall consider the case of the applicant sympathetically as and when vacancies are available at Siddipet or anywhere in A.P."

Against the said order, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submits that the petitioner is a widow and it will be very difficult for her to work at Tamil Nadu. It is further submitted that there is a vacancy at Siddipet, Medak District and also at Hyderabad, where she could be accommodated.

4. We have also heard Mr.A.Rajasekhar Reddy, learned Standing Counsel appearing for respondents.

5. The Tribunal has directed the respondents to consider the matter on sympathetical lines. We also find that the petitioner being a widow, she has to be accommodated in the nearest place possible. Even though the Rules permit transfer, yet it cannot be said that she should be transferred from Andhra Pradesh to Tamil Nadu State. Considering the facts though we are not inclined

to interfere with the order of the Tribunal, we direct the authorities to consider the case of the petitioner by posting her anywhere in Andhra Pradesh including Hyderabad or Siddipet, Medak District, as stated by the learned counsel for the petitioner.

6. With the direction indicated above, the Writ Petition is disposed of. No costs.

(G.BIKSHAPATHY, J.)

30th December, 2004.

(P.S.NARAYANA, J.)

SSR

1 The Director General, (Labour Welfare), Government of India, Ministry of Labour, New Delhi - 11.
2 The Welfare Commissioner, Labour Welfare Organisation, Kendriya Sadan, Sultan Bazar, Hyderabad.

3 The Registrar, Central Administrative Tribunal, Hyderabad.

4 2 CD copies.